

REMARKS

In the non-final Office Action, the Examiner objects to the specification due to informalities; rejects claims 1-4 and 6-12 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; rejects claims 1-4, 6-8, and 10-12 under 35 U.S.C. § 103(a) as unpatentable over LAZARIDIS et al. (U.S. Patent No. 6,463,464) in view of PERSHAN et al. (U.S. Patent No. 5,982,870); rejects claim 9 under 35 U.S.C. § 103(a) as unpatentable over LAZARIDIS et al. in view of PERSHAN et al. and SKIDMORE (U.S. Patent Application Publication No. 2003/0036380); and rejects claim 9 under 35 U.S.C. § 103(a) as unpatentable over LAZARIDIS et al. in view of PERSHAN and TRAN et al. (U.S. Patent No. 6,154,646). Applicants respectfully traverse the objection and rejections.

By way of the present amendment, Applicants amend the specification, cancel claim 9 without prejudice or disclaimer, amend claims 1, 2, 7, 8, and 10-12 to improve form, and add new claims 15-18. No new matter has been added by way of the current amendment. Claims 1-4, 6-8, and 10-18 are pending.

Objection to the Specification

On page 2 of the Office Action, the Examiner objects to the specification for including references to applications without including the U.S. Patent Application Numbers. In response, Applicants amend the specification to include the U.S. Patent Application Numbers. As such, withdrawal of the objection to the specification is respectfully requested.

Rejection under 35 U.S.C. § 112, first paragraph

Pending claims 1-4, 6-8, and 10-12 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement for containing subject matter that was not described in the specification. Specifically, the Examiner alleges that the

specification does not provide support for the feature “receiving, at the server, a selection, made by the user, of another one of the communication devices for which notifications are to be transmitted to the preferred communication device,” as recited in independent claims 1 and 10. Without acquiescing in the Examiner's rejection, but merely to expedite prosecution, Applicants amend claims 1 and 10 to remove this feature. As such, withdrawal of the rejection of pending claims 1-4, 6-8, and 10-12 is respectfully requested.

Rejection under 35 U.S.C. § 103(a) based on LAZARIDIS et al. and PERSHAN et al.

Claims 1-4, 6-8, and 10-12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over LAZARIDIS et al. in view of PERSHAN et al. Applicants respectfully traverse this rejection.

Amended independent claim 1 recites a method for providing a notification to a preferred communication device of a plurality of communication devices associated with a user, wherein each of the communication devices can be designated as the preferred communication device. The method includes receiving, at a server, a notification from one of the communication devices indicating that incoming data has been received at the one communication device, where the incoming data includes an incoming call, a voice mail, or a short message service (SMS) message; and transmitting the received notification to the preferred communication device, where transmitting the received notification includes: transmitting a first text message to the preferred communication device when the incoming data includes the incoming call, transmitting a second text message to the preferred communication device when the incoming data includes the voice mail, the second text message providing a function to play back the voice mail, and transmitting a third text message to the preferred communication device when the incoming data includes the SMS message, the third text message providing an ability to view the SMS message.

LAZARIDIS et al. and PERSHAN et al., whether taken alone or any reasonable combination, do not disclose or suggest this combination of features.

For example, LAZARIDIS et al. and PERSHAN et al. do not disclose or suggest transmitting the received notification to the preferred communication device, where transmitting the received notification includes transmitting a first text message to the preferred communication device when the incoming data includes the incoming call, transmitting a second text message to the preferred communication device when the incoming data includes the voice mail, the second text message providing a function to play back the voice mail, and transmitting a third text message to the preferred communication device when the incoming data includes the SMS message, the third text message providing an ability to view the SMS message, as recited in amended claim 1.

LAZARIDIS et al. discloses triggering the continuous and real-time redirection of user-selected data items from a host system to a mobile data communication device (column 4, lines 57-60). Using the redirector program, a user can select certain data items for redirection, such as e-mail messages, calendar events, meeting notifications, address entries, journal entries, personal reminders, etc. (column 3, lines 14-17). LAZARIDIS et al. does not disclose or suggest that the incoming data includes an incoming call, a voice mail, or an SMS message. LAZARIDIS et al. further does not disclose or suggest transmitting a text message. Therefore, LAZARIDIS et al. does not disclose or suggest transmitting the received notification to the preferred communication device, where transmitting the received notification includes transmitting a first text message to the preferred communication device when the incoming data includes the incoming call, transmitting a second text message to the preferred communication device when the incoming data includes the voice mail, the second text message providing a function to play

back the voice mail, and transmitting a third text message to the preferred communication device when the incoming data includes the SMS message, the third text message providing an ability to view the SMS message, as recited in amended claim 1.

PERSHAN et al. discloses enabling concurrent redirection of calls for large quantities of telephone numbers and to permit a subscriber, in the set up of the concurrent redirection, to designate groups of telephone numbers to redirect for different locations and to establish a time schedule for the designations (column 3, lines 40-48). PERSHAN et al. does not disclose or suggest that the incoming data includes a voice mail, or an SMS message. PERSHAN et al. further does not disclose or suggest transmitting a text message. Therefore, PERSHAN et al. does not disclose or suggest transmitting the received notification to the preferred communication device, where transmitting the received notification includes transmitting a first text message to the preferred communication device when the incoming data includes the incoming call, transmitting a second text message to the preferred communication device when the incoming data includes the voice mail, the second text message providing a function to play back the voice mail, and transmitting a third text message to the preferred communication device when the incoming data includes the SMS message, the third text message providing an ability to view the SMS message, as recited in amended claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over LAZARIDIS et al. and PERSHAN et al., whether taken alone or in any reasonable combination.

Claims 2-4 and 6-8 depend from claim 1. Therefore, these claims are patentable over LAZARIDIS et al. and PERSHAN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Independent claim 10 recites features similar to, yet possibly of different scope than, features recited above with respect to claim 1. Therefore, Applicants submit that claim 10 is patentable over LAZARIDIS et al. and PERSHAN et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 1.

Claims 11 and 12 depend from claim 10. Therefore, these claims are patentable over LAZARIDIS et al. and PERSHAN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 10.

Rejection under 35 U.S.C. § 103(a) based on LAZARIDIS et al., PERSHAN et al., and SKIDMORE et al.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as unpatentable over LAZARIDIS et al. in view of PERSHAN et al. and SKIDMORE et al. This rejection is rendered moot in light of the cancellation of claim 9.

Rejection under 35 U.S.C. § 103(a) based on LAZARIDIS et al., PERSHAN et al., and TRAN et al.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as unpatentable over LAZARIDIS et al. in view of PERSHAN et al. and TRAN et al. This rejection is rendered moot in light of the cancellation of claim 9.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. While the present application is now believed to be in condition for allowance, should the

Examiner find that some issue remains unresolved, or should any new issues arise that could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of this application.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: Meagan S. Walling, Reg. No. 60,112/
Meagan S. Walling
Registration No. 60,112

Date: November 20, 2008

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 25537